

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

CRYPTOPEAK SOLUTIONS, LLC,

Plaintiff

v.

THE HOME DEPOT, INC., and  
HOMER TLC, INC.,

Defendants.

Case No. 2:15-cv-1747

JURY TRIAL DEMANDED

**JOINT MOTION AND STIPULATION REGARDING DISMISSAL OF HOMER TLC,  
INC. WITHOUT PREJUDICE AND SUBSTITUTION OF THE HOME DEPOT, INC.**

Plaintiff CryptoPeak Solutions, LLC (“CryptoPeak”) and Defendants The Home Depot, Inc. and Homer TLC, Inc. (collectively, “Defendants”) (Defendants and CryptoPeak referred to below as the “Stipulating Parties”) jointly submit this motion and stipulation regarding: (1) the dismissal of Homer TLC, Inc. without prejudice and (2) the substitution of Home Depot U.S.A., Inc. for The Home Depot, Inc. as the named defendant in Civil Action No. 2:15-cv-1747 (the “Action”). Defendants hereby make the following representations:

1. Neither The Home Depot, Inc. nor Homer TLC, Inc. make, use, sell, offer for sale, or import any product or service accused of infringement in this Action. Instead, the relevant operating entity for the purpose of this Action is Home Depot U.S.A., Inc.
2. Based on Defendants’ representations above, the Stipulating Parties hereby request: (1) Homer TLC, Inc. be dismissed without prejudice from the Action; and (2) Home Depot U.S.A., Inc. be substituted in as the named defendant for The Home Depot, Inc.

Accordingly, CryptoPeak and Defendants request that the Court enter the attached Order dismissing Homer TLC, Inc. without prejudice and substituting Home Depot U.S.A., Inc. as the named defendant in place of The Home Depot, Inc.

Respectfully submitted,

Dated: September 27, 2016

/s/ Nicholas G. Papastavros  
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ATTORNEYS FOR PLAINTIFF

**CERTIFICATE OF SERVICE**

The undersigned certifies that on September 27, 2016, all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document through the Court's CM/ECF system under Local Rule CV-5(a)(3). Any other counsel of record will be served by a facsimile transmission and/or first class mail.

/s/ Nicholas G. Papastavros  
Nicholas G. Papastavros